

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS, BOSTON

FILED
U.S. DISTRICT COURT
BOSTON
JAN 11 2008
CLERK'S OFFICE

United States of America

1:04/cr/10194/RCL/111 P 12:21

v

Judge R Lindsay

Anthony Buccì

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MEMORANDUM OF JUDICIAL NOTICE

Attached to this memorandum is an Order in Re. Complaint No 429 heard by Chief Circuit Judge Boudin. As part of this order Judge Boudin, makes specific findings pertinent to the instant case This memorandum and attachment are filed for the purpose of perfecting the record as to serious issues related to Courtroom Closure matters in the instant case. The Defendant does not request that the court rule on the issue of Courtroom Closure at this time. He reserves the right to request such an examination should it be necessary at some future occasion.

Defendant,particulary calls attention to Page (3) of the attachment:

"As to the first charge--that the judge exhibited a pattern of unconstitutional courtroom closure--the judge has explained that on March 20,2006, the day of jury impanelment in the case, there was insufficient seating to accommodate the approximately 80 prospective jurors and maintain the physical distance between the defendants and others required by the U.S. Marshals. The judge therefore asked family members to wait outside during the impanelment. When the judge was notified that someone had complained about being excluded, the judge rearranged the courtroom, moved the defendants foward to the counsel table and told his clerk to admit some family members. (the judge states that he had not been informed who had complained about the access issue.)"


"The judge further explained that, on March 31,2006, the tenth day of trial, due to the anticipated nature of the witness's testimony, ne needed to converse with the witness in the absence of the public. accordingly, he closed the courtroom to the public and to family members for approximately 15 minutes. The Defendants and their counsel remained. No factual information in the complaint, docket, or reviewed case materials contradicts the judges' description of the events on March 20 and 31, 2006."

Defendant maintains that the excerpt above, is an accurate and certified recounting of the closure issues in the instant case. Moreover, the

record of the closure issues previously transmitted to the Appellate court in case number 06-2746 First Circuit, is incomplete in that it does not contain the factual statement envince herein by Judge Lindsay, nor the Judicial notice by Judge Boudin. This matter of CourtRoom Closure is front and center in the Defendants pending appeal. As the matter is indisputable and statutorially protected under the prevailing rules and law it is necessary that the record contain a clear and concise recitation of the matter.

Defendant requests that the Clerk be directed to foward a certified copy of this filing to the Appellate court rorthwith, and in all haste. There are pressing deadlines that any delay may cause substantial prejudice.

Submitted, Pro-Se



Defendant, Anthony Bucci

Dated: January 6, 2008

Copies of this filing and attachment are served upon the Government by U.S. mail, with sufficient postage affixed and deposited in the institution mail this date, to the address:

John T. McNeil
US Attorneys office
1 Courthouse Way, #9200
Boston, Ma. 02210